

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Higher Education – Vigilance Cell - Disciplinary proceedings against Sri C. Bhaktavatsalam, Retd. Principal formerly worked as District Vocational Education Officer (FAC) Kurnool – Finalisation of disciplinary action under Rule 9 of Andhra Pradesh Revised Pension Rules 1980 – Final orders – Issued.

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HIGHER EDUCATION (VC) DEPARTMENT

G.O.RT.No. 251

Dated:28-05-2015.

Read the following:-

1. From the CIE's Lr.Rc.No.Ser.1-A-1/136/2010, dt.03.07.2014.
2. Govt.,Memo.No.6194/VC/2014, dated.17.09.2014.
3. From Sri C. Bhaktavatsalam, Retd. Principal formerly worked as District Vocational Education Officer (FAC) Kurnool, his explanation dated.26.09.2014.
4. From the Commissioner of Intermediate Education, A.P., Hyderabad, Lr.Rc.No.Ser.1-A-1/136/2010, dt.10.11.2014.
5. From the Secretary (FAC), Andhra Pradesh Public Service Commission, Hyderabad Lr.No.1408/RT/3/2014,Dated.06.04.2015.

ORDER:-

In the reference 1st read above, the Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad has stated that Sri C. Bhaktavatsalam, Retd. Principal formerly worked as DVEO (FAC) Kurnool for the period from 02.02.2008 to 23.09.2008 i.e., 7 months. During this short period on unknown person had encashed a cheque of Rs.40,000/- by forging his signature. Hence the following charge was leveled against Sri C. Bhaktavatsalam, Principal, Govt. Junior College (Boys) Nandyal who worked as FAC, DVEO for misplacing cheque book with unused cheque leaves bearing Nos. from 017472 to 17500 resulting huge amount of Rs.40,000/- loss to the Govt., exchequer.

Article of Charge:

That Sri C. Bhaktavatsalam, District Vocational Education Officer (FAC)Kurnool presently working as Principal, Government Junior College (Boys), Nandyala, Kurnool District has not taken care cheques book being a drawing & Disbursing Officer, resulting a cheque bearing No.017499 was encashed by an unknown person on 12.09.2008 for Rs. 40,000/- during his tenure causing huge loss to the Government Exchequer. The negligent attitude of the DVEO towards his legitimate duties attracts deterrent action against him under APCS (CC&A) Rules, 1991.

The individual has submitted his defense statement on 22.02.2010 stating that it was noticed when the regular District Vocational Education Officer Sri P. Surendernath joined and the charge list was prepared by the Sri P. Ramanjaneyulu, Superintendent who is the custodian of check book till 22.09.2008. Hence he signed a cheque bearing No.017471 on the said date as the cheque book was not with him and the personnel who acted as the custodians i.e., Superintendent did not bring to his notice regarding the missing of the cheque leaf No.071499 even on the day of his relief i.e., on 24.09.2008. Moreover that the missing of the cheque leaf No.071499 was brought to his notice on 09.01.2009 by a phone message through Sri M.V Ramana Reddy, Sr. Asst., who is on deputation on behalf of Sri P. Ramanjaneyulu, Superintendent. He has further stated that there is no scope for any kind of laps of violation and dereliction of duties in discharging his legitimate duties as District Vocational Education Officer (FAC) Kurnool. Therefore he has requested to drop the charges framed against him.

Subsequently the Regional Joint Director, Guntur & FAC Regional Joint Director, Kadapa has been appointed as Enquiry Officer to conduct enquiry in the matter on 02.09.2011. He has submitted the enquiry report on 12.03.2012 stating that the forgery was committed by Sri G. Mallikarjuna Gowd, Office Subordinate, O/o. DVEO, Kurnool as the check books were under the custody of Sri P. Ramanjaneyulu, Superintendent of the O/o DVEO. Further the Enquiry Officer has opened that by the time Sri C. Bhaktavathsalam took the charge as DVEO, FAC, the Dy. DVEO, O/o the DVEO, Kurnool was drawing and disbursing officer and he is maintaining all the records relating to finances. As per his order Sri Javeed Basha, Senior Assistant Assistant who is the custodian of the cheque books has handed over the cheque books and other related records to Sri P. Ramanjaneyulu, Superintendent of the office. As such Sri C. Bhaktavathsalam could not get the opportunity to preserve the cheque books under his custody. He also opened that though the cheque books are not under the custody of the accused officer, it is enlighten his negligence of duties as drawing and disbursing officer for giving scope of misuse of cheque book.

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Further as per the Enquiry officers report the accused officer has signed the last cheque bearing No. 017471 for Rs.10,984 /- on 22.09.2008 and was encashed on 26.09.2008. But the misplaced cheque bearing No.017499 for Rs.40,000/- was encashed on 12.09.2008 with the forged signature of the C.O. In police investigation Sri Mallikarjuna Gowd, Office Subordinate, O/o the DVEO, Kurnool was identified as culprit and arrested on 12.03.2010. But, the said amount has not been recovered so far from the original culprit Sri Mallikarjuna Gowd, Office Subordinates, O/o the DVEO, Kurnool presently working at Govt., Junior College, B.Camp, Kurnool due to non receipt of the final report from the Police department.

The enquiry report has been communicated to the charged officer vide their office Procs. dated.02.11.2012 and he has submitted his representation on 12.06.2013. But there are no new grounds to consider his request.

Keeping all these aspects in view the CIE, A.P., has recommended to impose a punishment of 10 % cut in pension for three (3) years against Sri C. Bhaktavatsalam, Retd. Principal formerly worked as DVEO (FAC) Kurnool on certain irregularities and requested the Government to issue necessary orders in the matter being competent authority.

2. In the reference 2nd read above, Government have decided provisionally to impose the penalty of 10% cut in pension for (3) three years on Sri C. Bhaktavatsalam, Retd. Principal formerly worked as District Vocational Education Officer (FAC) Kurnool. He is directed to show cause as to why the penalty of 10% cut in pension for three years shall not be imposed on him under Rule 9 of the A.P.Revised Pension Rules, 1980. He is directed to submit his explanation in the matter within 15 days from the date of receipt of the orders. If no reply is received within the time stipulated, it will be construed that he has no case to defend and final action will be initiated basing on the material available in the matter against him.

3. In the reference 3rd read above, Sri C. Bhaktavatsalam has submitted his explanation where he has stated that, while he was working as Principal, Government Junior College for Boys, Nandyal, Kurnool District and he was kept in Full Additional Charge of the post of District Vocational Educational Officer, Kurnool. In obedience to the orders issued to him, he assumed charge of the said post on 02.02.2008 even though Kurnool is 65 Kms away from Nandyal. He worked as D.V.E.O (FAC) upto 23.09.2008. As a dutiful teacher and as well as Principal of a College, he has discharged his duties promptly in a sincere manner. He worked hard for over all development of his students and got a very good name in the Department of Intermediate Education. During his service as Junior Lecturer and Principal, he has secured highest percentage of passes. It shows his yeoman service. There were no adverse remarks against him at any time in his service.

4. While taking final decision in his case, he has requested the authorities to go through the following few lines.

1. Sri G. Israil Raju, Deputy D.V.E.O, office of the DEVO, Kurnool was the Drawing & Disbursing Officer. He kept all the records and concerned Cheque Book with Sri Javeed Pasha, Senior Assistant of the office. In a Staff Order dated.18.06.2008 issued by the Dy. D.V.E.O, Kurnool Sri Javeed Pasha, Sr. Asst., who got promotion as Superintendent was instructed to hand over complete charge of his seat containing records pertaining to financial matters, Cheque Books and D.Ds to Sri N. Lakshmaiah, Junior Assistant of the Office. It is a fact that no Officer of this Office was keeping the Cheque Books etc., with them at any time. After some time Sri P. Ramanajaneyulu, Superintendent was keeping the Cheque Book with him. It is a practice adopted in the Office.
2. The Dy. D.V.E.O, Kurnool while proceeding on leave from 24.07.2008, he has not handed over any Cheque Book to him. As a Principal, he has to discharge his duties at Govt., Junior College for Boys, Nandyal. Keeping him as District Vocational Educational Officer in full additional charge is a stop-gap arrangement made by the higher authorities.
3. To his misfortune, the culprit Sri G. Mallikarjuna Gowd, Office Subordinate of the Office has stolen a Cheque and en-cashed it for Rs.40,000/- on 12.09.2008 by forging his signature, he is an innocent person in this aspect.

5. As such, he has requested the higher authorities to re-examine his case again and drop the proposed penalty of 10% cut in his pension for 3 (three) years and save him by considering his sincere service.

6. If the proposed penalty is dropped, it will be treated as a fine gesture of help to him and to his family.

7. In the reference 4th read above, the Commissioner of Intermediate Education, A.P., Hyderabad has stated that Sri C. Bhaktavatsalam, (Retd.) Principal formerly worked as DVEO (FAC) Kurnool earlier in his defense statement on 22.02.2010 has stated that the missing of the cheque leaf No.071499 was noticed when the regular District Vocational Education Officer Sri. P. Surendernath joined on 24.09.2008 and the charge list was prepared by Sri P. Ramanjaneyulu, Superintendent who is the custodian of check book till 22.09.2008. Hence he signed a cheque bearing No.071471 on the said date as the cheque book was not with him and the personnel who acted as the custodians i.e., Superintendent did not bring to his notice regarding the missing of the cheque leaf No.071499 even on the day of his relief i.e., on 24.09.2008. Moreover that the missing of the cheque leaf No.071499 was brought to his notice on 09.01.2009 by a phone message through Sri M.V. Ramana Reddy, Senior Assistant who is on deputation on behalf of Sri P. Ramanjaneyulu, Superintendent. He has further stated that there is no scope for any kind of laps or violation and dereliction of duties in discharging his legitimate duties as District Vocational Education Officer (FAC), Kurnool. Therefore he has requested to drop the charges framed against him.

8. As per the opinion of the Enquiry Officer the cheque books are not under the custody of the accused officer and it is entirely his negligence of duties as drawing and disbursing officer for giving scope of misuse of cheque book.

9. Now the individual in his explanation date.26.09.2014 stated that the Dy. DVEO, Kurnool while proceeding on leave he has not handed over the cheque book to him and the culprit Sri G. Mallikarjuna Gowd, Office Subordinate of the office has stolen a Cheque and en-cashed it on 12.09.2008. As such there are no new grounds to consider the request of the individual.

10. The Commissioner of Intermediate Education, A.P., Hyderabad has therefore requested the Govt., to issue appropriate orders in the matter being competent authority keeping in view of all facts.

11. The Government after careful examination of the matter have observed that the explanation of the individual is not convincing and decided to confirm the punishment proposed in the show cause notice on the Accused Officer in terms of Rule 9 of A.P.Revised Pension Rules, 1980 and accordingly, the Government hereby confirm the punishment of 10% (ten percent) cut in pension for three (3) years against to Sri C. Bhaktavatsalam, Retd. Principal formerly worked DVEO (FAC) Kurnool.

12. The Commissioner of Intermediate Education, A.P. Hyderabad, shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P SISODIA
SECRETARY TO GOVERNMENT (S.E)

To
Sri C. Bhaktavatsalam, Retd. Principal formerly worked DVEO (FAC)
Kurnool through the Commissioner of Intermediate Education, A.P., Hyderabad
The Commissioner of Intermediate Education, A.P., Hyderabad
Copy to
The Accountant General, Andhra Pradesh, Hyderabad.
The Secretary, \ A.P Public Service Commission, Hyderabad
P.S to Hon'ble Minister (HRD)
P.S to Secretary to Government (S.E)
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER